

Appl. No.: 10/583,393
Amdt. dated March 26, 2009
Reply to Office Action of December 26, 2008

REMARKS/ARGUMENTS

In the Office Action, the Examiner rejects Claim 1 under 35 U.S.C. § 112, sixth paragraph. Claims 1, 17, and 22 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 3, 4, 7, 8, 11-18, 20, and 21 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pat. No. 5,134,719 to Mankovitz in view of U.S. Pat. Pub. No. 2004/0198279 to Anttila et al. (“Anttila”).

Applicants appreciate the Examiner’s thorough examination of the claims and further appreciate the Examiner taking the time to speak with Applicants regarding the substance of the § 112 and § 101 rejections on March 25, 2009. In response to the Office Action, Applicants have made clarifying amendments to independent Claims 1, 18, 20, and 22. New Claims 23-25 have been added. The subject matter of Claims 23-25 directly correspond to the subject matter of Claims 3, 4, 7, and 8, respectively, but Claims 23-25 depend from Claim 18. In light of the subsequent remarks, Applicants respectfully submit that the claims are in condition for allowance.

The Rejection of Claim 1 under § 112 is Overcome

Claim 1 includes means language as sanctioned under 35 U.S.C. § 112, sixth paragraph and as described in §§ 2185-2186 of the MPEP. It is the Applicants’ intention for the recitations of Claim 1 to be examined as means plus function language under 35 U.S.C. § 112, sixth paragraph and as described in §§ 2181-2186 of the MPEP. The examiner further indicated on the phone call of March 25, 2009 that if the Applicants submitted that Claim 1 is intended as a means plus function claim that the rejection would be rendered moot. Accordingly, Applicants respectfully submit that the rejection of Claim 1 under § 112 is overcome.

The Rejection of Claims 1, 17, and 22 under § 101 is Overcome

The Office Action asserts that Claims 1, 17, and 22 are directed to non-statutory subject matter for the inclusion of the recitation “computer-readable medium,” which the Office Action asserts is not defined in the specification and thus may comprise a non-tangible medium such as

a carrier wave. Applicants initially note that neither Claim 1 nor Claim 17 recite the term “computer-readable medium.”

In speaking with the Examiner on March 25, 2009, the Examiner stated that at least Claim 1 was rejected under § 101 by mistake and stated that the gist of the rejection is a request for consistency between the disclosure and the claim language. Accordingly, Applicants have amended Claim 22 to recite a computer-readable memory, which is supported at least by the memory 28 of FIG. 5. With respect to Claim 17, it is not clear to Applicants whether the Examiner has issue with Claim 17 or if, like Claim 1, it may have been accidentally included in the rejection. Claim 17 depends from Claim 1 and further recites “means for storing.” As discussed above, Claim 1 is a means plus function claim within the purview of 35 U.S.C. § 112, sixth paragraph. As recited in 35 U.S.C. § 112, sixth paragraph, “such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.” Accordingly, one such structure that may comprise “means for storing” is the memory 28 illustrated in FIG. 5.

For at least these reasons, Applicants respectfully submit that the rejection of Claims 1, 17, and 22 under § 101 is Overcome.

The Rejection of Independent Claims 1, 18, 20, and 22 under §103(a) is Overcome

The Examiner finds that independent Claims 1, 18, 20, and 22 (“the independent claims) are obvious in view of the combination of Mankovitz and Anttila. A method according to Claim 18 includes scanning a spectrum of frequencies. The method additionally includes detecting a plurality of radio stations broadcast within said spectrum of frequencies. The method further includes decoding, for each of a plurality of detected radio stations, at least one piece of supplementary information broadcast in conjunction with the plurality of radio stations. The supplementary information comprises an associated radio station name. The method also includes receiving a search criterion. The search criterion comprises a partial or complete name of a radio station. The method further includes filtering with filtering circuitry the supplementary information to generate a set of radio stations whose supplementary information matches said search criterion. The apparatus additionally includes means for displaying the set

of radio stations whose supplementary information matches the search criterion. The method further includes sending a set of at least one piece of supplementary information to a display. Each of the at least one piece of supplementary information associated with the set of radio stations whose supplementary information matches the search criterion are configured to be displayed. Claims 1, 20, and 22 are directed to an apparatus, apparatus, and computer program product, respectively, and include substantially similar recitations.

Each of the independent claims recites that the supplementary information comprises an associated radio station name. The Office Action does not address this recitation, and indeed Applicants submit supplementary information comprising an associated radio station name is not taught by Mankovitz. There is additionally no assertion in the Office Action that Anttila or any other cited reference teaches or suggests supplementary information comprising an associated radio station name. Accordingly, Applicants respectfully submit that the Office Action is deficient in not showing that a reference teaches or suggests each of the recitations of the claims and thus the rejection of the independent claims is overcome.

Further, Applicants respectfully disagree with the assertion in the Office Action that several of the independent claim recitations admitted not to be taught by Mankovitz are taught by Anttila. Anttila discloses a system and method for permitting a mobile terminal to connect to a broadcast station website and to receive a broadcast station broadcast in response to selection of a bookmark. Selection of the bookmark results in a tuner on the mobile device being tuned to receive a broadcast when the mobile device substantially simultaneously connects to a website for the broadcast station (Abstract of Anttila).

The Office Action posits that Anttila teaches receiving a search criterion, the search criterion comprising a partial or complete name of a radio station. In particular, the Office Action refers to a radio player in paragraph 70, Figure 17c. However, paragraph 70 of Anttila does not teach or suggest receiving a search criterion. Furthermore, the Office Action asserts that paragraph 71, Figure 2 and Figure 17d disclose generating a set of radio stations whose supplementary information matches said search criteria. However, Applicants respectfully submit that Anttila does not teach or suggest generating a set of radio stations whose supplementary information matches said search criteria.

In fact, paragraphs 69 to 71 of Antilla teach the process of the mobile terminal auto tuning and acquiring information associated with a selected radio station. As the Examiner has identified, the user selects a radio station by using the option “select.” In this case, the tuner tunes to the current frequency displayed and begins playing the audio broadcast received (see paragraph 69 of Antilla). Thereafter, the application 337 attempts to find a graphic for a broadcast station. The application achieves this based on the current geographical location information from the scanned frequency. It is therefore respectfully submitted that Antilla does not teach or suggest receiving a search criterion. Indeed, the user only selects the select 414 option which is not a search criterion as required by the independent claims. In fact, paragraph 70 of Antilla makes no mention of a search criterion comprising a partial or complete name of the radio station. It appears that the Examiner has merely looked at the Figures 17A to 17D which illustrate the graphic for a particular radio station (“ZOOM FM”). Nevertheless, the acquisition of the graphic for a broadcast station is not a search carried out with a search criterion comprising a partial or complete name of a radio station. Furthermore, even if a search criterion was disclosed for finding a graphic for a broadcast station, the results of such a search would not provide a set of radio stations whose supplementary information matches said search criterion.

Accordingly, Applicants respectfully submit that the cited portions of Antilla, merely teach finding a graphic for a single station, that is the station which is selected by the user using the “select 414 option”.

Further, Applicants respectfully submit the gist of the passage in paragraphs 70 and 71 of Antilla is finding further information for a selected radio station. Antilla does not even remotely suggest generating a set of radio stations whose supplementary information matches search criterion. This is because Antilla clearly discloses finding unique information for a selected radio station. Therefore, a person with ordinary skill in the art would clearly not want to generate a set of radio stations whose supplementary information matches said search criterion as clearly this would mean that a selected radio station does not have unique information as taught by Antilla. Although paragraph 71 of Antilla discloses a station identity as part of an RDS signal, the station identity of Antilla is merely used to request data connectivity information unique to the selected

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radio station. Therefore, Anttila is completely silent on searching and generating a set of radio stations whose supplementary information matches said search criteria.

Accordingly, Applicants respectfully submit that Anttila, like Mankovitz, fails to teach or suggest at least the following recitations of the independent claims:

- (1) receiving search criterion, the search criterion comprising a partial or complete name of a radio station;
- (2) generating a set of radio stations whose supplementary information matches said search criterion;
- (3) sending the set of at least one piece of supplementary information to a display, each of the at least one piece of supplementary information associated with the set of radio stations whose supplementary information matches the search criterion configured to be displayed; and
- (4) receiving a selection of one of the set of radio stations whose supplementary information matches said search criterion, and selecting one of the set of radio stations from the supplementary information sent to the display.

Accordingly, both Mankovitz and Anttila have a deficiency wherein a user in the new area may wish to select a particular station with a known name but may not know the frequency of the station. Furthermore, the user may wish to select the station which the user only has partial knowledge of the name. In this case, both Mankovitz and Anttila, taken alone or in combination, lack the ability to enter the name search criterion, display a list of matches and then select one from the set. This deficiency of Mankovitz and Anttila is addressed in the independent claims.

Accordingly, Applicants submit that neither Mankovitz nor Anttila, taken alone or in combination, teaches or suggests the independent claims. Therefore, Applicants submit that the rejection of the independent claims is overcome and the independent claims are in condition for allowance.

The Rejection of the Dependent Claims is Overcome

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Because the dependent claims include all of the recitations of a respective independent base claim, Applicants submit that the dependent claims are patentably distinct from the cited references, taken alone or in combination, for at least those reasons discussed above with respect to the independent claims and are in condition for allowance.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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